



## TOWN OF BEAUX ARTS VILLAGE

### PLANNING COMMISSION

#### MINUTES

July 17, 2008  
Donoghue

**Present:** Acting Chairperson Jake Donoghue, Commissioners Dennis Casey, Gordon Roberts and Scott Harpster

**Excused:** Commissioner Karen Scott

**Staff:** Deputy Town Clerk Angela Kulp and Town Planner Mona Green

Acting Chair Donoghue called the meeting to order at 7:35pm.

**Minutes:** Commissioner Roberts moved to approve the June 19, 2008 minutes as written. Commissioner Casey seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

#### **OLD BUSINESS: Rebuild / Remodel Definition**

Tabled all further discussions on this topic until the new business is completed.

#### **NEW BUSINESS: Town ROW**

The Town Council requested the Planning Commission tackle the Rights of Way (ROW) Use issue for a potential ordinance. To keep on the time schedule given to the Council last month, the Commission discussed possible encroachment issues noted throughout the village then brainstormed possible modifications to the Council's outlined lists given in the Commissioner's packets at the last meeting.

Commissioner Scott had given a verbal statement to Deputy Clerk Kulp to share with the other Commissioners in her absence on her position on this ROW issue, which Deputy Clerk did. That statement included Ms. Scott's support of a ROW permit and acknowledgement of whose property is whose. She stated a need for a mix of both hardscape for parking and softscape for landscaping but stipulated the hardscape should be a permeable surface and limited to space for one car. She shared the permeable surfaces would aid in drainage but also be easier to remove if ever needed. She shared she was not in favor of any concrete and wanted to minimize any impermeable surfaces. She stated a few positive and negative encroachment examples to illustrate her points. Ms. Scott also applauded the Council for a good job so far on a clear outline to the Commission.

Commissioner Casey surmised the ROW focus should be on not allowing improvements to be permanent. He inquired if there was a need to go back for corrections or just move forward. Planner Green cautioned the concern on limiting public space for private use like a fence, and then indicated certain triggers could assist

with ROW issues as we move forward. Those triggers she indicated would include dealing with a lot's redevelopment or a significant remodel; then the ROW issues for a particular lot could be dealt with at that time.

Acting Chair Donoghue concurred with Commissioner Scott's support of parking space allowance but limiting it to one vehicle. He noted that one person's backyard might be another one's front yard. Commissioner Harpster noted an example near him that when a parking is provided, it is always full so the view becomes a vehicle instead of green space.

Acting Chair Donoghue proceeded by guiding the Commission through the Council's outlined lists that were included as part of the Commissioner's packets. Discussion ensued with several items on the lists of definitions, restrictions and use allowances. Planner Green acted as a devil's advocate with her experience in other jurisdictions. The basis of discussion centered upon several current encroachment examples. The Commission agreed upon some changes, which Deputy Clerk Kulp will have redlined to the Clerk-Treasurer for the Council. This is part of the next step in preparing for a draft ordinance and a public hearing. The suggested changes are as follows:

- Add to the Indemnification definition: "If improvement is damaged, property owner indemnifies town also".
- Change to the landscaping definition: eliminate "retaining walls under 30" and replace with "and up to 2 man landscaping rocks".
- Eliminate definition of pavement and replace with "Any hardscape in the ROW, with the possible exception of the driveway, shall be a pervious material".
- Under restrictions, "No fences or arbors shall be allowed" - period. Eliminate the statement afterwards about needing an indemnification letter.
- Add in list of restrictions: "Up to one parking space per lot in the ROW is permitted, not to exceed 120 sf" (or standard size of one parking space).
- Under "use allowances", replace the word "paved" with "pervious".

**Adjourn:** Commissioner Roberts moved to adjourn the meeting and Commissioner Casey seconded. Meeting adjourned at 8:35pm. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**Next Meeting:** The next meeting will be on Thursday, September 18, 2008 at 7:30pm at Commissioner Roberts' home.

Respectfully submitted,

Angela Kulp  
Deputy Town Clerk